

REMARKS

Claims 12 through 21 were presented for examination in the present application.

Independent claim 12, as well as dependent claims 13 through 16 and 21, are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Publication No. 2002/0056695 to Boulange et al. (hereinafter "Boulange"). Applicant respectfully traverses this rejection for the reasons below.

Independent claim 12 now provides for a closure for a container having, *inter alia*, an outer cap portion with a top wall and depending skirt portion to receive the neck of the container and at least one vent opening through the outer cap portion; and an inner float seal portion located within the outer cap portion, the inner float seal portion including a downwardly extending bowl portion extending across the opening of the container and having a closed lower surface.

Fig. 2 of the present application illustrates the gas-venting path with directional arrows. The gas-venting path is defined between the opening of the container and the downwardly extending bowl portion that is beneath the edge seal. The gas does not enter the downwardly extending bowl portion. The gas then travels around the edge seal and upwardly through the vent opening provided in the outer cap portion.

Boulange provides for a closure having a gas-venting path that is much longer and more circuitous than the present application, as illustrated with directional arrows in Fig 6. The gas venting path of Boulange travels from the container through port 28 of molded plastic cup 26, through notches 50, then travels laterally between cap 14 and ribs 46, and finally exits into the atmosphere via a circuitous path between the threads of the neck of the container and the threads of cap 14.

Boulange does not provide for a vent or opening through cap 14. Instead, the gas in Boulange travels the circuitous path described above and is finally released from a space between threads of the cap and neck of the container. Therefore, Boulange does not disclose or suggest an outer cap portion with a top wall and depending skirt portion to receive the neck of the container and at least one vent opening through the outer cap portion. Thus, Boulange does not anticipate claim 12.

Furthermore, it can be clearly seen that the path through which the gas exits the container in Boulange is much longer and more circuitous than the path in the present application. Because the user would be required to maintain force on the container for a much longer period of time in order to vent the gas, the closure of the Boulange could not be used on a collapsible container as provided in the present application.

In addition, Boulange does not provide for a downwardly extending bowl having a closed lower surface. In contrast, the molded plastic cup 26 of Boulange contains port 28 that allows the passage of gas into the cap. Therefore, Boulange does not disclose or suggest an inner float seal portion including a downwardly extending bowl portion extending across the opening of the container and having a closed lower surface. Thus, Boulange does not anticipate claim 12.

Accordingly, Applicant respectfully submits that independent claim 12, as well as dependent claims 13 through 16 and 21 that depend therefrom, are patentably distinguishable over Boulange. Therefore, reconsideration and withdrawal of the §102(b) rejection of claims 12 through 16 and 21 are respectfully requested.

Dependent claims 17 through 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Boulange et al. as described in par. 2 in view of U.S. Patent No. 4,392,579 to Uhlig et al. (hereinafter "Uhlig"). Applicant respectfully traverses this rejection for the reasons below.

As stated above, Boulange does not provide for a downwardly extending bowl having a closed lower surface or a vent or opening through the outer cap, as recited in claim 12. The addition of flutes/opening 33 as taught in Uhlig does not correct the deficiencies of Boulange. Thus, for at least these reasons provided above, dependent claims 17 through 20 are patentable over Boulange alone or in combination with Uhlig. Applicants respectfully request reconsideration and withdrawal of the rejections of claims 17 through 20.


In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

Applicant respectfully submits that all claims presented in this application are patentably distinguishable over each reference and each cited combination of references. Accordingly, Applicant respectfully requests favorable consideration and that this application be passed to allowance.

If for any reason the Examiner feels that consultation with Applicant's attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

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Charles N.J. Ruggiero, Esq.
Registration No. 28,468
Attorney for Applicants
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th floor
Stamford, CT 06901-2682
Tel: (203) 327-4500
Fax: (203) 327-6401